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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/804,424 | 03/12/2001 | Cary Lee Bates | ROC9 2000 0250 | 1815 |

7590

08/26/2004

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| EXAMINER |
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TRUONG, THANHNGA B

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| ART UNIT | PAPER NUMBER |
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2135

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,424

Applicant(s)

BATES ET AL.

Examiner

Thanhnga Truong

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-11, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rangedahl et al (US 5,790, 074).

a. Referring to claim 1:

i. Rangedahl teaches:

(1) a user interface to interact with a user; location detection electronics; processing electronics connected to the user interface and the location detection electronics; memory to store a plurality of functions/applications associated with a plurality of geographic regions, the memory connected to the processing electronics; a gatekeeper to allow access to at least one application/function only when the electronic processing device is within an associated one of the plurality of geographic locations based solely on the associated geographic location [i.e., **referring to Figure 1, the system includes the electronic device whose location is to be monitored (the monitored device), and an authorization device (that is “a gatekeeper”) for determining the allowability of operation in a given location and then authorizing or denying operation. A communication link, preferably using the Public Switched Telephone Network (PSTN), is provided for communication between the monitored device and the authorization device. In addition to performing its intended operation, the monitored device also contains functionality for enabling and disabling normal operation of the device, functionality for requesting authorization to enable normal operation, and functionality for communication with the authorization device. Within the**

authorization device is functionality for determining if operation at a given location is allowed, functionality for generating an authorization key, and functionality for communication with the monitored device. The authorization device also has access to a database containing information for determining the allowability of operation at a given location (column 2, lines 8-27)].

b. Referring to claim 2:

i. Rangedahl teaches:

(1) invoking a user interface of the electronic processing device; entering a description of a first geographic location; associating at least one application/function of the electronic processing device with the first geographic region; enabling a user to access the at least one application/function of the electronic device only when the electronic device is in the first geographic region based solely on whether the electronic processing device is within the geographic region associated with the at least one application/function [i.e., a first embodiment of the automated authorization system uses a Global Positioning System (GPS) to determine the location of the monitored device with the GPS receiver residing in the monitored device. A second embodiment uses the telephone number used by the monitored device when requesting authorization to determine location. Contained within the authorization device is functionality for retrieving the telephone number from the PSTN used for communications between the monitored device and the authorization device. This ability to determine a telephone number via the PSTN is commonly referred to as Caller ID. The sequence for authorizing operation of the monitored device begins with the monitored device determining that power up has occurred. If the monitored device has not been in authorized operation within some past predetermined time period, it will request authorization from the authorization device via a communications link. In implementations where GPS is used, longitude and latitude coordinates for the present location will also be provided to the authorization device. Upon receiving a request for authorization, the authorization device makes a determination as to whether GPS information or the telephone number of the monitored device is to be used to verify location of

the monitored device. If the telephone number is to be used, the authorization device obtains the telephone number from the Public Switched Telephone Network. The authorization device now obtains information from a database regarding the allowability of operation at the given location and generates an authorization key if operation is allowed. Finally, the authorization device transmits either the authorization key or a denial message to the monitored device and the communication link is terminated. Upon receiving a response to its request for authorization, the monitored device either uses the authorization key to permit normal operation or remains disabled (column 2, lines 28-62)].

c. Referring to claims 3-5, 7, 10:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

d. Referring to claim 6:

i. Rangedahl teaches:

(1) wherein the step of entering a description of a first geographic region further comprises entering a street address associated with a geographic region [i.e., **there is an additional method for obtaining the location of the monitored device which is not as precise as the GPS but provides greater accuracy than the telephone number prefix. The telephone company possesses the capability to provide the street address of a calling party which in this application, would be the monitored device (column 4, lines 43-52)].**

e. Referring to claim 9:

i. Rangedahl teaches:

(1) assigning a priority to the first and second application/function [i.e., **although a PCS application is described in this disclosure, it is understood that the type of operability is immaterial to the invention and therefore, could extend to any electronic device or software running on an electronic device (column 3, lines 33-37)].**

f. Referring to claims 11, 14:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

g. Referring to claims 15-16:

i. These claims have limitations that is similar to those of claims 1-2, thus they are rejected with the same rationale applied against claims 1-2 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangedahl et al, and further in view of Grube et al (US 5,778,304).

a. Referring to claim 8:

i. Rangedahl teaches the claimed subject matter regarding geographic locations, but does not explicitly show:

(1) assigning a priority to the first and second geographic region.

ii. Grube teaches:

(1) Having the communication unit's location, the communication resource controller determines whether the unit is located within a predetermined geographic region (202), i.e., the communication resource controller accesses its database and compares the unit's location with coordinates that define the predetermined geographic region. The predetermined geographic region may be established based on user requirements and/or priority, for example, a hospital area, a construction site, a particular part of the city, or a library. If the communication unit is not within the predetermined geographic region (203), the process ends (204), i.e.,

there will be no restrictions on the communication unit's ability to access the communication services (column 3, lines 17-30).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) point out precisely (in Rangedahl) the predetermine geographic locations within the electronic device.

iv. The ordinary skilled person would have been motivated to:

(1) point out precisely (in Rangedahl) the predetermine geographic locations within the electronic device because upon receipt of the predefined message, the communication unit determines whether the predefined message requires an action (206). If an action is not required (207), the process is complete (208). If however, an action is required, the action is performed (209), where the action may be setting the volume level as directed, disabling the communication unit, or disabling the services not allowed in this particular area. At the option of the communication unit operator, or the system manager, the action may be done automatically, or manually (**column 3, lines 43-52 of Grube**).

b. Referring to claims 12-13:

i. These claims have limitations that is similar to those of claims 1-5, 8 thus they are rejected with the same rationale applied against claims 1-5, 8 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Karp et al (US 6, 154, 727) discloses the invention relates to a system and method for tracking clients as they visit the locations of various recipients. Clients have access to telephones and identification devices which the client can use to communicate with a remote computer (see abstract).

b. Smith (US 6, 314, 365 B1) discloses a method and system for providing navigation services to portable communications devices, such as cellular phones. A cellular phone user uses a cellular phone to request navigation services.

The cellular phone is located in a geographic area that has a cellular phone location determining system that determines the positions of cellular phones used throughout the area (see abstract).

c. Logan (US 6, 631, 271 B1) discloses a rules-based system for monitoring the movement and relative location of a plurality of electronic devices and performing specified actions, such as issuing notification messages and actuating alarms, when the conditions specified in one or more rules are satisfied (see abstract).

d. Irvin (US 6, 556, 819 B2) discloses a security system for a cellular telephone for controlling the status of security features based on location (see abstract).

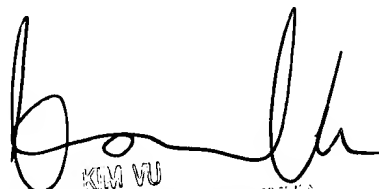
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 703-305-0327.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TBT

August 12, 2004



KIM VU
SUPERVISOR, PATENT EXAMINER
ART UNIT 2135